

[ADRN Issue Briefing]

Dissent and Democracy in Modi's New India

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A year ago, Delhi was in flames as protests were met with imperious arrogance and the patriotism of the protestors was impugned with dark hints of foreign conspiracy. As I watched the blanket television coverage and prepared to return to Canberra, the professor in me wondered: What does citizenship mean in contemporary democratic societies as they become increasingly multicultural? Can dissent be used constructively to redefine the terms of engagement of minority groups with the state? Prime Minister Narendra Modi's style of governance is to introduce hugely consequential laws without advance consultations with stakeholders and opposition parties, enact them within one to three days without referral to a parliamentary committee, enforce them with the heavy hand of the state, conflate India with the ruling Bharatiya Janata Party (BJP) and Modi, and delegitimize protestors as anti-national agitators in the pockets of foreign paymasters.

The Constitution of India came into force on January 26, 1950. Last year's celebrations marked a mass awakening to the critical importance of the social purposes of the state of India as embodied in the Constitution. Protestors who eschew violence strengthen India's liberal democracy by affirming faith in the institutions and constitutional structures of the Republic to provide relief and redress. They also issued a clarion call on the conscience of the state to engage in dialogue with its citizens. These Indian examples should feature prominently in studies of how sectarian minorities can negotiate citizenship in multicultural societies everywhere.

Differing from spontaneous and discrete protests, "civil resistance" covers a variety of coordinated methods like marches, demonstrations, boycotts, strikes, and collective non-cooperation to express opposition to policies and state authorities without inflicting physical harm or damage on an opponent. Civil disobedience was one of several political legacies inherited by independent India from the British Raj with regard to both the technique and the legitimacy of political protest. Mahatma Gandhi instrumentalized and operationalized Henry David Thoreau's

concept of civil disobedience (1849) into an effective technique for peaceful mass mobilization against a militarily much more powerful opponent. Gandhi's notion of *satyagraha* (the literal meaning of the term is urging of truth upon the opponent) is deeply grounded in the power of moral suasion. More recently, people have been increasingly interested in its strategic logic as a more cost-effective alternative to violent resistance. In *Why Civil Resistance Works*, Erica Chenoweth and Maria Stephan showed that from 1900–2006, civil resistance campaigns outperformed armed struggles in defeating authoritarian regimes, advancing democratization, and averting a relapse into civil war. In a complementary scholarly paper of black-led protests from 1960–72 ([American Political Science Review](#), May 21, 2020), Princeton University's Omar Wasow found that nonviolent protests are more politically effective in redressing black minority grievances in the US.

Reimagining India as a Hindu Rashtra (Nation)

The 2019–20 social upheavals and political turmoil can only be understood against the backdrop of Modi's first term (2014–19), when his development and good governance agenda capsized under a surge in Hindu zealotry. Muslim marginalization—despite their nearly 200 million strong population – is the flip side of Hindu primacy. The “othering” of India's Muslims by Hindu bigots has depended on questioning their loyalty and allegiance to India and attempting to portray them as fifth columnists loyal to the Islamic Republic of Pakistan. That underlying suspicion has been harvested politically by Modi and the BJP to push through a social agenda that has steadily marginalized the Muslims and promoted Hindus as more equal than others. In a seminal event in Modi's new India, on September 28, 2015, 50-year old [Mohammad Akhlaq was lynched](#) at home in the presence of his family by Hindu villagers inflamed by the announcement at a local temple that the Muslim family ate beef. A [BJP lawmaker praised the killer of Mahatma Gandhi](#) as a patriot in December 2014; another urged all Muslims to [go live in Bangladesh or Pakistan](#) in February 2018; and in July 2018, a [minister garlanded eight men convicted of lynching](#) a Muslim man in 2017 in an act of cow vigilantism.

This background helps to explain why Muslims and other minorities had begun to feel besieged by the Hindutva agenda—a majoritarian project by hardline Hindus to transform India from a secular republic into a Hindu Rashtra (nation)—during Modi's first term. However, not wanting to provoke untoward incidents in an increasingly febrile atmosphere, they mostly kept their silence. The apprehensions of those who fear the BJP as the Trojan horse of Hindu fascism were fed by the vitriolic hatred aimed at Muslims by many BJP leaders in Modi's first term. The hopes of those who believe that the party has exhausted the mobilizing potential of Hindu chauvinism and

must tack to the center-right to survive in the rough and tumble marketplace of Indian politics rested on the tradition of Hindu tolerance and the middle ground of politics that imposes the restrictions of respectability and punishes extremism. Instead, re-election with an increased majority in May 2019 seems to have set free the inner demons of the project to make a Hindu Republic of India alongside the Islamic Republic of Pakistan. The BJP and Hindutva ideologues interpreted their massive victory as a validation and endorsement of the cultural nationalist project to create a Hindu majoritarian state. On the day the results were announced and the scale of his victory became clear, [Modi sounded an ominous warning](#): *Is chunaav mein ek bhi rajnetik dal secularism ka naqab pehen kar janta ko gumrah nahi kar paya* (“In this election, not one political party was able to don the garb of secularism to make the people lose their way”).

The re-elected government moved swiftly in July to outlaw [triple talaq](#), whereby Muslims could divorce their wives simply by uttering the decree three times. In August, it [scrapped Article 370](#) of the Constitution that had guaranteed Kashmir’s political autonomy as India’s sole Muslim-majority province. The failure of institutional bulwarks against the assault on freedoms has been just as dispiriting. One after another, parliaments, political parties, media, and the judiciary have failed in their duty to hold the executive to account even as the cult of personality gathers pace around Modi. Anything he seeks or does is granted and ratified by a cipher cabinet and lauded by a sycophantic media.

While most countries are moving to proscribe hate speech, India is [embedding hate in law](#) by criminalizing religious conversion for interfaith couples. For fanatics, Hindu girls do not marry Muslim men of their own volition but are victims of “[love jihad](#)” aimed at converting India into a Muslim nation. Love jihad laws ostensibly protect Hindu girls from predatory Muslim men. In reality, they betray the condescending assumptions that women are weak and passive victims without agency, the property of men with no right to make their own choices. Hindu chauvinists have also targeted the reconversion of Christians and Muslims as symbols of [ghar wapsi](#) (“homecoming”), on the grounds that in 1,200 years of Muslim rule (culminating in the Mughal Empire) and Christian rule (as part of the British Empire), state power was used to convert Hindus to these two foreign religions.

Adulterating Muslim Citizenship

Adulteration of consumable foods and drinks is a common problem in many parts of India. Adulterating the citizenship of particular ethnonational groups is a novel phenomenon. In December 2019, the government passed the [Citizenship Amendment Act](#) (CAA), deepening the sense of the

country's Muslims that they are under siege. The CAA was bulldozed through both houses of Parliament in three days with no advance consultation with opposition parties or civil society. It is [arbitrary in the choice of countries of origin and discriminatory in its selection of religious minorities](#). It provides preferential pathways to Indian citizenship for non-Muslim minorities from Bangladesh, Pakistan, and Afghanistan. It was meant to be complemented last year by the [National Register of Citizens](#) (NRC) and the [National Population Register](#), although the coronavirus pandemic seems to have put the project on hold. Their collective aim is to turn India's Muslims into second-class citizens. Government denials are disingenuous in light of the high-profile and widely discussed incidents of 2014–19. In a document-poor country—[only 61 of 70 lawmakers](#) in Delhi's territorial assembly have a birth certificate—they will empower authorities to declare, with a bias against Muslims, that even people born in India cannot provide documentary evidence of citizenship and should be disenfranchised and held in detention camps.

The Constitution's definition of citizenship is universal, inclusive, and secular. Because the CAA is arbitrary and discriminatory, there is a good chance that India's Supreme Court will hold it to be unconstitutional. India's humanitarianism would have won plaudits, not criticism, if all persecuted minorities in all of the neighboring states, including Islamic sects, were granted accelerated citizenship. In Myanmar, which unlike Afghanistan shares a border with India, the [Rohingyas have suffered well-documented atrocities](#) bordering on genocide. They are not welcome in Modi's India.

The state lacks the capacity to implement the NRC efficiently. Based on the Assam experience that took four years to complete in 2018, it could cost around \$9bn, equivalent to [two-thirds of the entire education budget](#). Those who cannot establish Indian identity (as with [1.9 million in Assam](#)) will become stateless but cannot be deported. They will end up in detention centers, raising even more logistical, financial, legal, and ethical concerns. This happened, for example, with Mohammad Nur Hussain, his wife Sahera Begum, and their two children. Natives of Assam for several generations, they were harassed by authorities and spent more than a year in a detention camp before their citizenship was finally confirmed on December 16, 2020. "[They called us illegal. How is it possible?](#)," they asked. Good question. The answer is, only in Modi's India.

The CAA pricked the constitutional conscience of India's students, who flooded the streets in protest. They were met with the full force of the state's jackboots and the party's bilious vilification army. On December 15, 2019, speaking at a state election rally in Jharkand, Modi issued a high-pitched dog whistle. Who are the protestors, he asked: [woh unke kapdon se hi pata chal jata hai](#) ("they can be identified by their clothes," meaning hijab-clad women and bearded men in

skullcaps). Taking his cue from Modi, a senior police officer berated a protestor: “[Go to Pakistan](#)”—a sign of how deep the rot is in India’s institutions under Modi’s tacit tolerance of the cancer of religious bigotry. [Footage](#) of police brutality against students at Jamia Millia Islamia and Aligarh Muslim University, plus police as silent spectators while BJP-affiliated armed hoodlums thrashed students and professors at Jawaharlal Nehru University, shocked and galvanized Indians across the country.

Meanwhile, in [Shaheen Bagh](#) elsewhere in Delhi, the ongoing sit-in protest by women welcomed the New Year with songs of independence and the national anthem. A 90-year old woman said: “My son’s name is Faizan, his father’s name is Imtiaz, his father’s name was Fakhruddin, his father’s name was Riyaz, his father’s name was Akbaruddin, [let this Modi come and ask me if I belong here. I’ll show him.](#)” As violence flared in December 2019 in anti-CAA protests across Uttar Pradesh (UP), the most populous and politically the most consequential state, Chief Minister Yogi Adityanath—an inflammatory Hindu preacher but a political neophyte who was hand-picked by Modi as head of the state government—issued an ominous threat. The protestors had been identified through video and CCTV footage, and [inse hum iska badla lenge](#) (“we will take revenge against them for this”). He received praise from BJP’s Bengal chief Dilip Ghosh for having [shot protestors “like dogs”](#). In an escalation of the assault on the foundations of the rule of law, in December 2020 the [police raided the offices of Mehmood Pracha](#), the lawyer for many of those charged in the January-February riots. The irony is that many senior BJP leaders skyrocketed to prominence for cutting their political teeth as young protestors, including [Modi himself in Gujarat in 1974](#), and others who agitated against Indira Gandhi’s draconian Emergency in 1975.

The Symbolism of Shaheen Bagh

Protests began spontaneously and escalated rapidly to become the [largest in decades](#). They represented the most significant mass mobilization against the Modi government. The months-long sit-in protest in Shaheen Bagh finally [ended with the coronavirus pandemic’s social distancing](#) requirements. The protestors channeled both Mahatma Gandhi and Pastor Martin Niemöller’s poignant lament about the failure of German intellectuals to speak out against atrocities against targeted groups, so that by the time they came for him, there was no one was left to speak for him. A placard exhorted: “[Don’t be silent, don’t be violent.](#)” No other democratic country has experienced comparable mass mobilization in defense of its core democratic identity against the elected government. To underline the significance, it’s worth remembering that India is the world’s biggest democracy, and the size of its electorate is bigger than all of the Western countries combined. Just

the number of Indian Muslim voters exceeds the total number of voters in all Western countries other than the US.

In common with nationalist parties everywhere, the BJP projects itself as the party of muscular nationalism. It came as a rude shock, therefore, when students, women, and other protestors across the country, including Muslims, appropriated the nationalist symbols with spontaneity and gaiety to celebrate their core Indianness. The tricolor was adopted as the symbol of the protest, the national anthem became its song, and the Preamble to the Constitution the vocabulary. On Republic Day, Jamia Millia students read aloud in public spaces the Preamble to the Constitution—which proclaims liberty, equality, justice and fraternity for all Indians and respect for all faiths—in Hindi, English, and Urdu (the language of India’s Muslims) before raising the tricolor and singing the national anthem. In Shaheen Bagh, [three grandmothers](#) were chosen to unfurl a 55-foot national flag with pride and joy.

In the process, the women and the youth of India articulated a counter-narrative of patriotism and reset the terms of engagement between citizens, the government, and the Constitution. This is all the more striking for diverging from the trend of identitarian politics in many contemporary Western democratic societies, for example the “[Great Replacement](#)” theory propounded by Frenchman Renaud Camus. The BJP’s slogan of *Akhand Bharat* (“Indivisible India”) has an external reference point: India’s territorial integrity is sacrosanct and no foreign power will be allowed to break apart any part of it. The protestors “domesticated” the slogan: No Indian political party will be allowed to threaten the national integration of India by labelling and compartmentalizing them into identity groups divided by religion and caste.

A Revolution of Aspirations as *Indian* Muslims

The hijab-clad and tricolor-draped young Muslim women challenged Modi’s [dog-whistling narrative](#) by instrumentalizing the Constitution to frame their engagement with democratic politics. Furthermore, they articulated their demands and asserted their rights as Indians, but without sacrificing their Muslim identity. By directing their demands and rights at the elected government, they expanded the conception of liberal democracy once again, rescuing it from the majoritarian trap into which the Modi government had placed it. In other words, democracy, citizenship, constitutional governance, and minority rights are all forged into one powerful national identity. They emphatically and visually rejected the BJP’s efforts to downsize their destiny as India’s Muslims and instead reimagined the idea of a liberal, pluralistic, tolerant, and inclusive India embodied in the Constitution.

This is revolutionary, for the government had put on notice the whole notion of citizenship in modern India as a legal status, a bundle of entitlements and rights, and as civic identity and belonging to one's homeland as a birthright. Refusing to be pigeonholed into victimhood and shorn of agency, they expanded the BJP's political agenda to challenge PM Modi: What kind of India do *you* want? One trapped in the prison of past glory, where ancient Hindu texts replace modern science and technology in the classrooms? Addressing Parliament on December 12, a BJP MP claimed that speaking in [Sanskrit can keep diabetes and cholesterol under control](#) (he spoke in Hindi). Or one that puts in place policy settings to maintain social cohesion today and achieve greatness tomorrow? A direct consequence of this is that the tables were turned and the BJP and Modi government stood accused of constituting a clear and present danger to the Constitution, national unity, and territorial integrity of India.

A Tarnished “Brand: India”

India's core attributes as a global brand include an argumentative democracy, an opinionated society, a chaotic and cluttered but nonetheless inclusive governance, and living in comfortable ease with diversity. The CAA-NRC issue split Indians at home and the diaspora abroad, risking dismemberment by undermining social cohesion, political stability, and economic recovery, while draining [diplomatic capital](#). The contrast could not be starker between the frisson of excitement following Modi's 2014 victory and the escalating concerns over his authoritarian instincts today. Before the painstakingly cultivated goodwill, respect, and admiration for India dissipates completely, Modi must urgently restore a functioning system of domestic political accommodation and economic vitality. China's Communist Party never admits to mistakes, but always learns from them. India's PM Modi never admits to mistakes and seems too stubborn to learn from them.

When the Indian national anthem was sung at the start of the Australia-India cricket test match in Sydney on January 7, 2021, TV cameras zoomed in on the face of Mohammed Siraj, the son of an auto-rickshaw driver from Hyderabad playing in his first series in national colors. [Tears rolled](#) silently and poignantly down his eyes as the emotional weight of the symbolism hit home. But to Hindutva fanatics, his loyalty to the country of his birth and that of his ancestors for several generations will always be suspect. Modi must reverse the sectarian polarization, rein in the hate-spewing Hindutva mobs, and practice as well as preach inclusion. An excellent role model for him to emulate is New Zealand PM Jacinda Ardern, whose brilliant performance in the immediate aftermath of the [Christchurch mosque massacres](#) in March 2019 drew global praise. The transition to a post-Nehruvian order will require the “politics of trust, credibility, inclusion, and consensus

building,” [says Yamini Aiyar](#). “A divisive, polarizing rhetoric, populist leadership, and coercion can help propel parties to power,” but will not be sufficient to create a self-sustaining social and political cohesion.

The anti-CAA protestors disconnected patriotism from sectarian identity based on religion and caste and relocated it in the Constitution. The protests became powerful and effective instruments of mass civic education on citizenship in a liberal democracy. Citizenship in the democratic Republic of India was forged in the crucible of the independence struggle that was essentially a mass civil disobedience movement led by Mahatma Gandhi. Thus, the wellsprings of legitimacy of the strategy of nonviolent civil disobedience lie in nationalist origins and are fused inseparably into the drive for full citizenship in a free India. This makes it impossible for any Indian government to discredit and delegitimize dissent expressed through peaceful mass mobilization. Protests and civil disobedience are potent symbols of the collective aspirations of the community for a new, better, and brighter India. ■

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